

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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IN THE MATTER OF THE VERIFIED )  
PETITION OF VERIZON NORTH INC. )  
AND CONTEL OF THE SOUTH, INC. )  
D/B/A VERIZON NORTH SYSTEMS FOR )  
PROTECTION OF CONFIDENTIAL AND )  
PROPRIETARY INFORMATION IN )  
THEIR LOCAL COMPETITION SURVEY )  
REPORT FOR THE PERIOD ENDING )  
12/31/03 FILED WITH THE COMMISSION )

FILED

CAUSE NO. 42607

MAY 05 2004

INDIANA UTILITY  
REGULATORY COMMISSION

You are hereby notified that on this date the Presiding Officer makes the following Entry in this Cause:

On March 31, 2004, Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems ("Verizon") filed a *Verified Petition for Protection of Confidential and Proprietary Information* ("Petition") with the Indiana Utility Regulatory Commission ("Commission"), seeking confidential treatment of the following designated responses to the Commission-issued *Local Competition Survey As Of 12/31/03* ("Survey"):

- The number of nonresidential access lines resold to other carriers in the south geographic region of the State and the total number (residential + nonresidential) of access lines resold to other carriers in the south region of the state, as requested in Section III(B) of the Survey.
- The number of residential UNE-P lines and the number of nonresidential UNE-P lines resold to other carriers in the north, central and south geographic regions of the State and the total number (residential + nonresidential) of UNE-P lines resold to other carriers in the north and south geographic regions of the State, as requested in Section III(C) of the Survey.
- The number of residential UNE-Loop lines and the number of nonresidential UNE-Loop lines resold to other carriers in the north and central geographic regions of the State and the total number (residential + nonresidential) of UNE-Loop lines resold to other carriers in the north and central geographic regions of the State, as requested in Section III(D) of the Survey.

- The total number of residential lines and total number of nonresidential lines provided to end users and resold to other carriers in the south geographic region of the State, as well as the number that is the sum of these totals for the south geographic region, as requested in Section IV(B) of the Survey.
- The total number of residential UNE-P lines and total number of nonresidential UNE-P lines provided to end users and resold to other carriers in the north, central and south geographic regions of the State, as well as the number that is the sum of these totals for the north and south geographic regions, as requested in Section IV(C) of the Survey.
- The total number of residential UNE-Loop lines and the total number of nonresidential UNE-Loop lines provided to end users and resold to other carriers in the north and central geographic regions of the State, as well as the number that is the sum of these totals for the north and central geographic regions, as requested in Section IV(D) of the Survey.

The Survey responses that are the subject of Verizon's confidentiality claim are applicable to the twelve-month period ending December 31, 2003, and were due to be submitted to the Commission by March 31, 2004.

Verizon seeks this confidential protection pursuant to the Commission's procedural rule found at 170 IAC 1-1.1-4, and relies on the trade secret exception to public disclosure of public records found at Ind. Code 5-14-3-4 and 24-2-3-2 as the basis for its confidentiality claim.

Accompanying the Petition was the *Affidavit of Lori Macklin* ("Affidavit"). Lori Macklin is Verizon's Assistant Vice President – Regulatory and Governmental Affairs. In support of Verizon's claim that the designated responses to the Survey contain trade secret information, the Affidavit states:

Disclosure of the Confidential Information would be useful to current or potential competitors to evaluate market potential, make pricing decisions and/or market entry decisions, as the case may be. Should the Confidential Information fall into the possession of any current or prospective competitor of Verizon, such disclosure would have a substantial detrimental effect on Verizon. Moreover, the Confidential Information is customer specific.

With respect to maintaining confidentiality of the responsive information at issue, the Affidavit states:

The Confidential Information is the subject of extensive efforts by Verizon to maintain its secrecy. Access to the Confidential Information is restricted, even as to persons by Verizon (i.e. physical safeguards, system password protection, limited distribution of reports, etc.). Confidential

Information is further restricted to reference and use by Verizon personnel and its management control on a "need-to-know" basis.

The Presiding Officer, having reviewed the Petition and its accompanying Affidavit, finds that there is a sufficient basis for a preliminary determination of confidentiality with respect to the designated Survey responses that are identified above. The Affidavit contains a sufficient description of the nature of the information for which confidential treatment is sought. The Affidavit presents factual information sufficient to show that the designated Survey responses, due to be submitted to the Commission by March 31, 2004, contain information that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. The Affidavit also presents factual information sufficient to show that Verizon has made efforts that are reasonable under the circumstances to maintain secrecy of the information for which confidential treatment is sought.

Accordingly, within seven (7) days of the date of this Entry, Verizon should hand deliver to Commission Principal Telecommunications Analyst Mark Bragdon, in a sealed envelop that is clearly marked "confidential" and with the Cause Number noted thereon, its responses to:

- The number of nonresidential access lines resold to other carriers in the south geographic region of the State and the total number (residential + nonresidential) of access lines resold to other carriers in the south region of the state, as requested in Section III(B) of the Survey.
- The number of residential UNE-P lines and the number of nonresidential UNE-P lines resold to other carriers in the north, central and south geographic regions of the State and the total number (residential + nonresidential) of UNE-P lines resold to other carriers in the north and south geographic regions of the State, as requested Section III(C) of the Survey.
- The number of residential UNE-Loop lines and the number of nonresidential UNE-Loop lines resold to other carriers in the north and central geographic regions of the State and the total number (residential + nonresidential) of UNE-Loop lines resold to other carriers in the north and central geographic regions of the State, as requested in Section III(D) of the Survey.
- The total number of residential lines and total number of nonresidential lines provided to end users and resold to other carriers in the south geographic region of the State, as well as the number that is the sum of these totals for the south geographic region, as requested in Section IV(B) of the Survey.
- The total number of residential UNE-P lines and total number of nonresidential UNE-P lines provided to end users and resold to other carriers in the north, central and south geographic regions of the State, as well as the number that is the sum of

these totals for the north and south geographic regions, as requested in Section IV(C) of the Survey.

- The total number of residential UNE-Loop lines and the total number of nonresidential UNE-Loop lines provided to end users and resold to other carriers in the north and central geographic regions of the State, as well as the number that is the sum of these totals for the north and central geographic regions, as requested in Section IV(D) of the Survey.

This responsive information should be handled and maintained as confidential, in accordance with Ind. Code 5-14-3.

**IT IS SO ORDERED.**

William A. Divine  
William G. Divine, Administrative Law Judge

May 5, 2004  
Date

Nancy E. Mahley  
Nancy E. Mahley, Secretary to the Commission